

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAVID FELTY
ADC #95976

PLAINTIFF

V.

5:07CV00231 JMM/JTR

ARKANSAS DEPARTMENT OF CORRECTION, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, Defendant ADC is DISMISSED, WITH PREJUDICE, and Defendant CMS is DISMISSED, WITHOUT PREJUDICE, because Plaintiff has failed to state viable claims against them.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal taken from this Order would not be taken in good faith.

3. The Clerk shall prepare a summons for Defendants Burnett and Mobley.

4. The United States Marshal is directed to serve the summons, the Complaint (docket entry #2), the Amended Complaint (docket entry #6), and this Order upon Defendant Burnett through the Humphries and Lewis law firm without prepayment of fees and costs or security

therefor.¹

5. The United States Marshal is directed to serve the summons, the Complaint (docket entry #2), the Amended Complaint (docket entry #6), and this Order upon Defendant Mobley through the ADC Compliance Division, without prepayment of fees and costs or security therefor.

Dated this 22 day of October, 2007.


UNITED STATES DISTRICT JUDGE

¹ If Defendant Burnett is no longer a CMS employee, the Humphries and Lewis law firm shall file, with the return of unexecuted service, a **SEALED** Statement providing his last known private mailing address.